

Virginia Roanoke River Basin Advisory Committee
Minutes
Thursday October 23, 2014
Institute for Advanced Learning and Research, Charles R. Hawkins Research Center

VRRBAC members present

Read Charlton (chair), Billy Martin (2nd Vice Chair), Senator Frank Ruff, Delegate Tommy Wright, Delegate Sam Rasoul, John Feild, Haywood Hamlet, Al Zimmerman, and Bob Jean

Guests

B. Scarpinato, B. Burnley, A. Cassidy, J. Lovelace, G. Addesso, K. Feild, A. Lester, T. Wagner, T. Pakurar, B. Dunkley, P. Martin

DEQ Staff present

Scott Kudlas, Mary Ann Massie, Jeff Reynolds

Call to Order

Chairman Charlton called the meeting to order. Mr. Lester welcomed the group to the Charles R. Hawkins Research Center.

Recognition of Members and Guests

Chairman Charlton welcomed members and guests. Introductions were given.

Draft minutes of the October 23, 2013

The minutes of the April 21, 2014 VRRBAC meeting were unanimously approved after a motion by Mr. Hamlet, and seconded by Senator Ruff.

State appropriation of \$11,200 to support activities of the VRRBAC and RRBBC

It was noted that funding has been appropriated to support the committee and the commission. Legislative members received reimbursement forms for costs associated with travel. Mr. Kudlas indicated his staff will work with DEQ procurement staff on the possibility of providing lunch at future meetings.

Action item: DEQ staff to process reimbursement forms for Senator Ruff and Delegates Rasoul and Wright (completed Monday Oct 27, 2014)
DEQ staff to initiate meeting with procurement staff (completed Thursday Nov 6, 2014)

Election of officers

Mr. Kudlas reviewed the bylaws and past practices. He noted that Tim Pace is 1st Vice Chair and Billy Martin is 2nd Vice Chair and that historically the 1st Vice Chair moves up to Chair, 2nd Vice Chair moves up to 1st Vice Chair, and a nomination is accepted for a new 2nd Vice Chair. Mr. Kudlas also noted nothing prevented other nominations being made from the floor. Chairman Charlton asked for nominations. Mr. Feild indicated his support for following past practices and moved to accept Tim Pace as Chair, to accept Billy Martin as 1st Vice Chair, and limit nominations to a new 2nd Vice Chair. Billy Martin seconded the motion. All members were in favor; motion carried. Chairman Charlton asked for nominations for a new 2nd Vice Chair. Mr.

Hamlet made a motion to nominate Al Zimmerman as 2nd Vice Chair. Mr. Jean seconded the motion. Chairman Charlton called for a vote. All members were in favor; motion carried.

Review of election results:

Chair – Tim Pace

1st Vice Chair – Billy Martin

2nd Vice Chair – Al Zimmerman

The new officers will assume leadership at the next VRRBAC meeting.

Action item: DEQ staff will notify Mr. Pace of his nomination (completed Friday Oct 24, 2014)

Presentations and discussion

Mr. Bill Scarpinato, Dominion, gave a presentation of the proposed Atlantic Coast Pipeline (formerly known as the Southeast Reliability Project). The project is a joint venture with Dominion, Duke Energy, Piedmont Energy, and VNG. Dry gas from the Appalachian basin in West Virginia will be delivered to partners and customers through a pipeline stretching from WV through VA and in to NC. The final route is not yet determined. Construction of the pipeline will take place in 2017 and 2018. The transmission line and compression stations should be in service in late 2018. Dominion held thirteen open houses in three states to receive public input; there are additional opportunities to comment on the project as Dominion moves through the permitting process.

Action item: Forward Mr. Scarpinato's power point presentation to web master (completed November 6, 2014). The presentation will also be distributed electronically to VRRBAC members with the draft minutes.

Mr. Jeff Reynolds, Director of DEQ's Division of Enforcement, spoke on enforcement actions and our collaboration with EPA, local governments, interest groups, Virginia State Agency partners, and North Carolina State Agency partners. He reminded members of the four components of the enforcement strategy:

1. Cost Recovery – Mr. Reynolds reported Duke Energy has been very cooperative with two quarters of direct reimbursement received.
2. Administrative Order on Consent (AOC) – The AOC has been delivered by EPA Region IV. NC and VA collaborated with EPA on this action. Removal of coal ash has been completed. The project is now in the monitoring and assessment phase.
3. Natural Resources Damage (NRD) Council – this group continues to meet with fairly robust stakeholder participation. The Natural Resource Trustees group includes NC DENR, VA DEQ, US Fish and Wildlife Service, and receives technical assistance from VA DGIF, NC Conservation Service, and COE. The group continues to work through the natural resource injury claim process. The Natural Resource Trustees are accepting comments on their Scoping Document for Restoration Planning – a summary of projects to mitigate damage and to resolve Duke Energy's liability. [A link to the scoping document can be found at

<http://www.deq.virginia.gov/ConnectWithDEQ/EnvironmentalInformation/DanRiverCoalAshSpill.aspx>] Mr. Addesso noted the Dan River Community Association, in conjunction with the Dan River and Roanoke River Associations, requested \$250,000 for assessment and monitoring. Mr. Addesso noted the Dan River and Roanoke River Basin Associations plan to comment on the 'scoping document'. Mr. Feild asked if these funds could be used for public relations projects to improve the public's perception about natural resources in the area. He believes there is a need to recapture public trust to increase economic activity. Mr. Reynolds said the Trustees were limited to funding natural resource restoration projects, however, Duke Energy has assembled a group, Dan River Basin Community Stakeholder Team (facilitated by the Institute for Environmental Negotiations), to review and consider funding projects to improve public relations/perceptions and economic injury. (DEQ staff contacted the Institute for Environmental Negotiations for additional information. This new stakeholder team does not yet have a website.)

There was additional discussion on monitoring. Mr. Reynolds mentioned sampling information can be found on the DEQ web site at:

<http://www.deq.virginia.gov/ConnectWithDEQ/EnvironmentalInformation/DanRiverCoalAshSpill.aspx> He noted the presence of coal ash in water column samples is low. Mr. Zimmerman noted a lack of historical data throughout the State due to limited funding for environmental agencies. Mr. Dunkley, Director of Danville Water and Wastewater, mentioned they have raw water data associated with their intake on the Dan River.

4. Enforcement – DEQ remains active with EPA Region IV to ensure we are not in conflict with their enforcement actions. The US Department of Justice is pursuing a criminal action against Duke. Virginia DEQ also plans to take independent enforcement action against Duke Energy.

Other Business

Mr. Charlton initiated a discussion on the impasse on the resolution of the Kerr Reservoir 216 Study. The resolution was to support the continuation of the USACE study to completion, which is expected to be at the end of the year. Mr. Addesso noted the resolution was to urge NC DENR and the USACE to move forward by including the quasi run of river protocol in the report. He felt a letter from the VRRBAC encouraging the USACE to adopt this protocol and support the study to completion was important. Senator Ruff made a motion, seconded by Delegate Wright, to draft a letter from the chairman of the VRRBAC to the USACE South Atlantic Division supporting this action. Mr. Charlton called for a vote; all members were in favor. Motion carried.

Action item: DEQ to draft a letter to USACE for Chairman Pace's signature (completed November 18, 2014)

Mr. Kudlas presented an update on the status of North Carolina's Kerr Lake Regional Water System Proposed Interbasin Transfer (handout provided by Harold Brady, NC DENR). The Roanoke River Basin OASIS model has been completed with public comment conducted in February/March 2014. The water quantity modeling has been conducted by their consultant and the Division of Water Resources staff is currently reviewing the results. NC DENR will draft an environmental assessment (EA) which is expected to be available for public comment in

December 2014, with a public hearing for the IBT petition in February 2015. Mr. Lovelace asked if there would be another VRRBAC meeting before February 2015. Mr. Kudlas did not know but mentioned challenges with January meetings due to the General Assembly session. DEQ will notify the VRRBAC members via email when the public comment period and the public hearing are posted. Delegate Wright inquired on ways to oppose the IBT petition. Mr. Kudlas responded that the VRRBAC's ability to oppose it was limited given the decision on the IBT Certificate would be made by the North Carolina Environmental Management Commission.

Action item: DEQ will contact NC DENR DWR staff to request email notification when the draft EA public comment period opens and the public hearing date is posted for the IBT petition. (completed November 6, 2014)

Mr. Kudlas noted that DEQ did provide information from the Virginia water supply planning effort to NC DENR as the model was developed. Mr. Feild requested an update on the status of the State Water Resources Plan. Mr. Kudlas responded that the document is in executive review at DEQ with an expectation to finalize and issue at the end of the calendar year. He noted he could give a presentation on the findings of the cumulative impact analysis (CIA). Mr. Field made a motion, seconded by Mr. Martin, to have Mr. Kudlas give a presentation on the CIA at the next VRRBAC meeting. Mr. Charlton called for a vote; all members were in favor. Motion carried.

Mr. Kudlas presented an update on the status of the American Electric Power Smith Mountain Lake Project permit. When the Virginia Water Protection (VWP) permit was issued to AEP, they used a forecasting model to regulate releases to balance among lake and downstream beneficial uses. This was the first time a third party model was used for this purpose to implement permit conditions. A permit condition was put in the permit to revisit the effectiveness of the approach after five years of implementation. It is now time to conduct that analysis. A public meeting and public comment will be scheduled by AEP in spring 2015, input will be reviewed and shared with DEQ and FERC. DEQ will notify VRRBAC members when the public hearing and public comment period are established

Mr. Kudlas stated the RRBBC Annual Report was complete and submitted to Legislative Services. He reported the draft VRRBAC Annual Report would be finalized and submitted to Legislative Services by Dec 1. Mr. Lovelace asked if the Annual Reports were distributed to localities. Mr. Kudlas replied that they were not but were posted on both the DEQ and General Assembly websites. The Annual Reports are posted on the DEQ web page.
<http://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/VirginiaRoanokeRiverBasinAdvisoryCommittee.aspx>]

In a recent review of VRRBAC non legislative member term appointments, it was noted that many expired on or before June 30, 2014. Only Mr. Zimmerman, Mr. Lindsey, and Mr. Blakeman have 'current' appointments. Mr. Kudlas indicated members with expired terms could work with their planning district commissions on reappointments, or DEQ staff could take the lead. Members were asked to notify Mr. Kudlas via email of their interest in having DEQ staff take the lead. Emails should be sent to scott.kudlas@deq.virginia.gov. Mr. Hamlet and Mr. Feild requested DEQ assistance.

Next meeting

Members expressed interest in future meetings of the Roanoke River Basin Bi-State Commission meeting. It was noted that North Carolina currently chairs the Commission and will through the spring of 2015. Mrs. Massie has been in contact with NC and is hopeful a meeting will be held in late November or early December. Members would like to have a VRRBAC meeting the same day with a presentation by Mr. Kudlas on the CIA/SWRP.

Meeting adjourned at 12:20.

These minutes were approved at the December 18, 2014 meeting in Henderson, NC.